

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
No. 25-cv-22896-KMW**

FRIENDS OF THE EVERGLADES, INC., et al.,

Plaintiffs,

v.

KRISTI NOEM, et al.,

Defendants.

**DEFENDANT FDEM’S EXPEDITED MOTION TO STAY
PRELIMINARY INJUNCTION PENDING APPEAL**

Defendant Kevin Guthrie, in his official capacity as Executive Director of the Florida Division of Emergency Management (“FDEM”), moves to stay the Court’s preliminary injunction entered on August 21, 2025, Doc. 131, pending appeal, and in support states:

1. During closing argument at the preliminary-injunction hearing, FDEM requested that if the Court granted a preliminary injunction, it also grant a stay because FDEM’s legal arguments and factual showings satisfied the stay factors. *See* Hr’g Tr. at 128:14–22 (Aug. 13, 2025). The Court deferred ruling on the motion, requesting that it be renewed in writing should the Court grant Plaintiffs’ motion for a preliminary injunction. *Id.* at 128:23–129:1. The Court stated that the renewed motion could reference the arguments made at the preliminary-injunction hearing. *Id.* at 129:1–3.

2. On August 21, 2025, this Court entered an Order granting in part Plaintiffs’ Motion for Preliminary Injunction. Doc. 131.

3. FDEM has appealed that Order. Doc. 132.

4. For the reasons articulated in FDEM's briefing on this issue (Docs. 16, 28, 35, 50, 65, 71, 79, 128), and for the reasons articulated on the record at the evidentiary hearing held on August 6, 7, 12, and 13, 2025, FDEM respectfully requests that the Court stay its preliminary injunction pending appeal. For the reasons already articulated, the stay factors are met: (1) FDEM is likely to succeed on the merits of its appeal; (2) FDEM and the public interest will suffer irreparable injury, including but not limited to (i) immediate and significant disruption of the State's law-enforcement response to a declared state of emergency, *see also* Ex. 1, and (ii) significant financial losses that cannot be recovered and have not been secured by the insufficient bond, *see also* Ex. 2, and (3) there is no potential for substantial injury to Plaintiffs because they have not demonstrated near-term irreparable harm.

5. Because an immediate stay is necessary to avoid irreparable harm to the State, FDEM requests that the Court rule on this renewed motion by **5:00 P.M. on Monday, August 25, 2025**, so that, should the Court deny the stay, the matter can be timely considered by the U.S. Court of Appeals for the Eleventh Circuit.

CONCLUSION

For the foregoing reasons, FDEM requests that the Court stay enforcement of its preliminary injunction, Doc. 131, pending appeal. Counsel for FDEM has conferred with counsel for Plaintiffs and Intervenor-Plaintiff about the relief sought herein. They oppose the requested relief, so the parties have been unable to resolve the issues raised in this motion.

Dated: August 23, 2025

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Respectfully submitted,

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capacity as Executive Director of the Florida
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CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2025, the foregoing was filed with the Clerk of Court using CM/ECF, which will serve a Notice of Electronic Filing on all counsel of record.

s/ Jesse Panuccio
Jesse Panuccio